United Nations A/69/738

General Assembly

Distr.: General
21 January 2015

Original: English

Sixty-ninth session
Agenda item 68
Promotion and protection of human rights

Letter dated 19 January 2015 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you the attached information on the development of civil society institutions in the Republic of Uzbekistan (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the sixty-ninth session of the General Assembly, under agenda item 68.

(*Signed*) Muzaffar **Madrakhimov**

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Annex to the letter dated 19 January 2015 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

The stages of formation and development of civic institutions in Uzbekistan

After Uzbekistan gained independence in 1991, large-scale changes were initiated for the main purpose of building a democratic State, based on the rule of law with a socially oriented market economy, and forming a strong civil society.

The country also chose its own "Uzbek model" of development, which involves political, economic and social reforms based on such principles as:

- Stripping the economy of its ideological bias and giving the economy precedence over politics
- The role of the State as a major reformer
- Rule of law
- Robust social policy
- Consistency and a gradual approach in implementing reforms, that is, rejection of the various models of shock therapy.

In setting the aim of forming a strong civil society, the term "civil society" is understood in Uzbekistan to mean a social space where the rule of law prevails; human rights interests and freedoms are defended; favourable conditions for development and personal fulfilment have been established; and independent and sustainable institutions are supported by the broader community.

Forming the foundation for civil society is a long and continuous process that is fraught with challenges and difficulties. The success of this process depends on institutional factors (State policy on civil society institutions and qualitative indicators for their activities) and human factors associated with personal and social behaviour (the level of legal awareness and political and legal culture of citizens and their involvement in social initiatives and the activities of civil institutions).

For the purposes of this document, citizens' self-governing bodies (Makhallya), political parties, mass movements, trade unions, public foundations, non-governmental non-profit organizations and independent mass media outlets are considered to be civil society institutions.

On the whole, when analysed retrospectively, the path taken by Uzbekistan in establishing civil society institutions can be divided, in essence, content and importance, into the following three stages.

The first stage, from 1991 to 2000, is the stage of initial reform and transformation during the transitional period and the formation of the legal basis for the establishment and functioning of various civil society institutions.

First of all, there was the adoption in 1992 of the basic law of Uzbekistan — the Constitution — in which the human being, human life, freedom, honour and dignity and other unalienable rights constitute the supreme values.

The Constitution established the rights of citizens to form trade unions, political parties and other public associations and to participate in mass movements. Moreover, according to article 58 of the Constitution of the Republic of Uzbekistan, "the State ensures observance of the rights and legal interests of public associations, and establishes equal legal opportunities for participation in public life". The Constitution also recognizes the freedom of the mass media and prohibits censorship.

A number of pieces of legislation adopted during this period govern the procedure for the establishment and functioning of public associations, self-governing bodies, non-governmental non-profit organizations, political parties and mass media.

In particular, these include the following laws: on public associations (1991); on trade unions, rights and guarantees of their activity (1992); on political parties (1996); on the mass media (1997), on protection of the professional activity of journalists (1997); on guarantees and freedom of access to information (1997); on non-governmental non-profit organizations (1999).

The adoption of these laws gave a powerful impetus to the development of civil society institutions. Accordingly, whereas on 1 January 1991 the number of non-governmental organizations in the Republic was just 95, by 1 January 2000 it had reached 2,585. They include the following public foundations that enjoy the support of the broader community: Makhallya, Nuronii, Soglom Avlod Uchun, Ekosan, the Women's Committee of Uzbekistan, the Kamolot civic youth movement and others.

Another example is the number of mass media organizations registered, which was 291 on 1 January 1991, compared to 562 on 1 January 2000. The proportion of non-State-owned mass media in the total rose to 23 per cent during the same period.

As for the activities of political parties, four officially registered political parties were already operating in independent Uzbekistan on 1 January 2000 after the collapse of the old one-party system and, following the nationwide elections, their representatives became members of the national parliament.

The law on citizens' self-governing bodies, adopted in 1993 and amended in 1999, was very important for strengthening and developing the naturally established traditional Uzbek self-governing institution of Makhallya. This legislation was adopted specifically to support the activities of Makhallya as an effective self-governing body that enjoys the full support of the people and is capable of resolving vital and urgent issues.

The second stage, from 2000 to 2010, is defined by processes of active democratic renewal and modernization of the country and the independent functioning of civil society institutions. The main task during this stage of the reform was the consistent and gradual transition from a strong State, which was essential during the transition and for the formation of national Statehood, to a strong civil society.

During this period, in particular, a number of legal and regulatory acts were adopted and public initiatives were implemented for the further development of civil society institutions, to safeguard their activities and increase their efforts and resources for very important and socially significant tasks.

Accordingly, the adoption in 2004 of the law on the funding of political parties was very important to boost the activity of political parties and strengthen their organizational capacity and logistics. Under that law, a national system was established to fund the statutory activities of political parties from existing domestic sources and State funds.

Further development of the multiparty system was greatly facilitated by the adoption of a constitutional law that enhanced the parties' role in the renewal and further democratization of public administration and the modernization of Uzbekistan. As a result of these initiatives, in 2009 there was intra-party struggle and competition in the elections not only of deputies for the Oliy Majlis (legislature), but also of people's deputies for the local Kengashi (councils).

During this period Uzbekistan also adopted laws on the principles and guarantees of the freedom of information (2002); on public foundations (2003); and on guarantees of the activity of non-governmental non-profit organizations (2007); and the Decision of the President of Uzbekistan on measures to promote the development of civil society in Uzbekistan (2005); these laws were designed to strengthen the role and significance of civil institutions in resolving citizens' urgent socioeconomic problems, protecting human rights and ensuring freedom of speech and information.

Another measure to provide support for civil society institutions was the adoption in 2008 of the decision of the Oliy Majlis on measures to strengthen support for non-governmental organizations and other civil society institutions.

In accordance with the above decision of the highest legislative organ, a public foundation to support non-governmental organizations and other civil society institutions was created, as well as a Parliamentary Commission to manage the foundation's resources. The members of the Parliamentary Commission are deputies from the legislature, members of the Senate of the Oliy Majlis and representatives of leading and authoritative non-governmental organizations, other civil society institutions and the ministries of justice and finance.

Over the period 2008-2013, State budget funds amounting to over 28 billion sum were allocated for non-governmental organizations and other institutions to implement various socially significant projects. The resources were allocated by a decision of the Parliamentary Commission and were used to support civil society initiatives through grant competitions and the awarding of subsidies and purchase orders.

As a result of these measures, the National Association of Non-Governmental Non-Profit Organizations of Uzbekistan, which was established in 2005 and has over 400 public organizations as members, is still successfully in operation. The Association has set up an effective system of organizational, financial and material support for its members, and enhances the efforts of non-governmental organizations in socially significant projects and programmes.

Another public organization that has won broad public support is the Ecological Movement of Uzbekistan, which was established in 2008 to protect the environment and human health, increase environmental awareness among the public and support the rational use of natural resources and social monitoring of the implementation of laws and State decisions on environmental and health issues.

In view of the importance of the Movement's work, a special legislative provision was introduced in 2008 providing for 15 deputies of the lower house of parliament to be elected from the Ecological Movement.

During this period measures were also taken to develop non-State-owned mass media and support their active participation in the democratization of information. In particular, in the interests of supporting non-State-owned mass media and strengthening their logistics and human resources, the following bodies were established: a national association of electronic mass media, with a membership of over 100 electronic mass media outlets, and a public foundation for the support and development of independent print mass media outlets and information agencies of Uzbekistan.

During the third stage, which covers the period from 2011 to the present, civil society institutions have developed against a background of systemic measures in the context of the policy of further expansion of democratic reforms and the formation of civil society in Uzbekistan — a policy that was launched in November 2010 by President Karimov at a joint meeting of the houses of parliament to define the main priorities for national development.

This policy paved the way for transformations in all spheres of public life, with the clear objective of developing and adopting new legal and regulatory texts, inter alia to expand the participation of civil society institutions in building the State and society.

In the context of this policy, the following work has been carried out for the further development and strengthening of civil society institutions.

1. Parliament has adopted and the President has signed amendments to two laws: the Local Authorities Act and the law on elections of chairpersons of citizen's bodies and their advisers.

The first law was designed to improve the infrastructure of the citizens' self-governing institution, the Makhallya, and make it the focal point for targeted social assistance to the population, and also to expand the functions of the Makhallya in the system of social monitoring of the activity of State authorities.

At the same time, the law on elections of chairpersons of citizens' bodies and their advisers is designed to further improve the system of elections, to ensure that the chairpersons and their advisers are elected from among the most worthy, experienced, respected and trustworthy individuals and to increase transparency in the exercise of citizens' right to elect and be elected to their self-governing bodies.

2. The Environmental Control Act was adopted and has entered into force. It is designed to strengthen the role of citizens' self-governing bodies, non-governmental organizations and other social organizations in carrying out environmental monitoring, ensuring compliance with the human right of access to environmental information and making decisions on the most important State programmes in the sphere of environmental protection and health.

3. In April 2014 the law on transparency in the work of national and local authorities entered into force. It provides an institutional framework for implementation of the constitutional rights of citizens to information and a procedure for informing the public of the activity and decisions of national and local authorities.

For the first time in legal practice in Uzbekistan, the adoption of this law was preceded by the conduct of a legal experiment in 2013, in which the draft legislation was tested by the local authorities of the Bukharsk and Samarkand provinces. The mass media, non-governmental organizations and the citizens themselves were involved in the legal test, which demonstrated the effectiveness of this new method of drawing on the potential of civil society.

4. In September 2014 the law on social partnership was adopted and entered into force. It is designed to improve the institutions that govern the relations of non-governmental organizations with government bodies in their efforts to implement socioeconomic development programmes, resolve humanitarian problems and protect the rights, freedoms and interests of various population groups.

5. The draft bill on public monitoring in the Republic of Uzbekistan has been prepared and is currently under discussion. It provides for the establishment of a legal mechanism whereby society and civil institutions can monitor the implementation of legislation by government authorities, that is, it provides for effective feedback between society and the State.

6. A national programme of action in the field of human rights is in preparation. The programme provides for public monitoring of compliance with laws, in particular by law enforcement and regulatory authorities, in order to defend human rights and freedoms and develop a culture of human rights in society.

It is particularly important to note that the aforementioned laws and regulatory acts are being drafted by a specially established commission whose members are specialists from the relevant ministries and departments, deputies, experts from research centres and representatives of civil society institutions. The commission conducts its work in compliance with the following requirements:

- Active participation of representatives of the mass media and public organizations in the process of drafting legal and regulatory acts
- Critical analysis of current legislation and an in-depth study of national and international experience
- Broad public discussion of the plans for regulatory and legal acts, including in the form of various round tables and conferences.

Accordingly, as part of these efforts and over the period 2011-2013, the independent institute for monitoring the formation of civil society has organized and conducted about 100 regional and national round tables with the participation of about 2300 representatives of domestic non-governmental organizations, self-governing bodies, the mass media, political parties and other organizations.

In general, it can be said that the adoption of this policy has given a strong and positive boost to the development of civil society institutions and to their participation in the defence of the public interest and in the processes of democratization and modernization in Uzbekistan.